

EXHIBIT 1

Proposed Consent Dismissal Order for
SSC Cases

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
_____)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)

The Cases Listed on Exhibit A)
_____)

CONSENT DISMISSAL ORDER

The Plaintiffs in the actions listed in Exhibit A hereto, (hereinafter “Crossville Plaintiffs”) by counsel, and Defendants Specialty Surgery Center, P.L.L.C.; Kenneth Lister, M.D.; and Kenneth Lister, M.D., P.C., (collectively “SSC Defendants”) by counsel, and Defendant Calisher & Associates, Inc. (“Calisher & Associates”), (collectively with the SSC Defendants, the “Crossville Healthcare Defendants”), jointly request that the Court enter an order dismissing all of the cases listed on Exhibit A (“the SSC Actions”) with prejudice.

Based upon the agreement of the parties, the Court finds as follows:

A. The Crossville Plaintiffs identified in Exhibit A have agreed to dismiss their respective claims and the separate actions listed on Exhibit A with prejudice.

B. The Crossville Healthcare Defendants likewise desire and consent to the dismissal, with prejudice, of the cases identified in Exhibit A.

C. The only current claims pending in the cases identified in Exhibit A are the Plaintiffs’ claims against the Crossville Healthcare Defendants. The Court previously dismissed all claims against the other Defendants.

D. This order is not intended to, nor shall it, affect this Court's jurisdiction as contemplated in the parties' confidential settlement agreement.

E. It is proper to dismiss all such claims under Rule 41(a).

IT IS THEREFORE, ADJUDGED, ORDERED and DECREED that:

1. The Crossville Plaintiffs' claims and the SSC Actions, as listed in Exhibit A, are dismissed with prejudice.

2. The clerk shall e-file a copy of this order in each of the cases listed in Exhibit A. Dismissal of an individual case shall be effective as of the date this order is e-filed in the individual docket. The clerk shall treat the e-filing of this order in the individual dockets as if filed by the Court.

3. All parties to the SSC Actions shall bear their own costs.

IT IS SO ORDERED.

DATE

RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE

Exhibit A – SSC Actions Being Dismissed

1. Bray v. Ameridose, *et al.* – Case No. 1:13-cv-12596
2. Bumgarner v. Ameridose, *et al.* – Case No. 1:13-cv-12679
3. Carter v. Ameridose, *et al.* – Case Nos. 1:13-cv-12187; 1:14-cv-10041
4. Collins v. Ameridose, *et al.* – Case No. 1:13-cv-12580
5. Foster v. Ameridose, *et al.* – Case No. 1:13-cv-12686
6. Fuelling v. Ameridose, *et al.* – Case No. 1:13-cv-12741
7. Weaver (Gambaccini) v. Ameridose, *et al.* – Case No. 1:13-cv-12681
8. Graham v. Ameridose, *et al.* – Case No. 1:13-cv-12581
9. McDavid v. Ameridose, *et al.* – Case No. 1:13-cv-12742
10. Norris v. Ameridose, *et al.* (appealed) – Case No. 1:13-cv-12682 (Appellate Case No. 17-1003)
11. Palmer v. Ameridose, *et al.* (appealed) – Case No. 1:13-cv-12688 (Appellate Case No. 17-1005)
12. Rhind v. Ameridose, *et al.* – Case No. 1:13-cv-12740
13. Savercool v. Ameridose, *et al.* – Case No. 1:13-cv-12583
14. Smith v. Ameridose, *et al.* – Case No. 1:13-cv-12684
15. Willis v. Ameridose, *et al.* – Case No. 1:13-cv-12597